

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOHN L. THOMPSON,

Plaintiff,

v.

STATE OF WASHINGTON, *et al.*,

Defendants.

CASE NO. C24-5311-JCC

ORDER

This matter comes before the Court on the referral notice from the United States Court of Appeals for the Ninth Circuit (Dkt. No. 14), who referred this matter to this Court for the limited purpose of determining whether *in forma pauperis* status should continue. (*Id.*)

“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). “[A]n appeal is not taken in good faith . . . if there is some evident improper motive or if no issue is presented which is not plainly frivolous.” *Tweedy v. United States*, 276 F.2d 649, 651 (9th Cir. 1960); *see also Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (“If at least one issue or claim is found to be non-frivolous, leave to proceed in forma pauperis on appeal must be granted.”).

United States Magistrate Judge Theresa L. Fricke granted Plaintiff’s motion to proceed *in forma pauperis* and recommended that his complaint be reviewed under § 1915(e)(2)(B) before the issuance of a summons. (Dkt. No. 4.) Upon that review, the Court found that Plaintiff failed

1 to state a claim upon which relief could be granted. The Court described the deficiencies in  
2 Plaintiff's complaint and ordered Plaintiff to file an amended complaint curing those issues  
3 within 21 days. (Dkt. No. 6.) When Plaintiff failed to do so, the Court dismissed his complaint.  
4 (Dkt. No. 8.) Plaintiff filed a Notice of Appeal (Dkt. No. 12). Yet there is no colorable bases for  
5 Plaintiff's claims, at least as described in his complaint, given the immunities implicated. (*See*  
6 Dkt. No. 6.) Therefore, it would not appear that this is an appeal taken in good faith.

7 Accordingly, the Court CERTIFIES that Plaintiff's appeal is not taken in good faith and  
8 REVOKES his *in forma pauperis* status. The Court respectfully DIRECTS the Clerk to send this  
9 order to the Court of Appeals. The Court further DIRECTS the Clerk to send a copy of this order  
10 to Plaintiff.

11 DATED this 5th day of July 2024.

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15 John C. Coughenour  
16 UNITED STATES DISTRICT JUDGE  
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